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4 BILL NO. S-74-08-14

5 SPECIAL ORDINANCE NO. S- 142-74

6 AN ORDINANCE approving a contract with T & F
7 CONSTRUCTION CORP. for installation of street
8 lighting in Casselwood Terrace Addition

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
10 WAYNE, INDIANA:

11 SECTION 1. That the contract dated July 11, 1974, between T & F
12 CONSTRUCTION CORP. and the City of Fort Wayne by and through its Mayor and
13 the Board of Public Works for installation of new street lighting in Casselwood
14 Terrace Addition for a total cost of \$25,144.30, of which the city will pay approxi-
15 mately \$9,784.30 and the balance to be paid by the property owners, all as more
16 particularly set forth in said Contract which is on file in the Office of the Board of
17 Public Works, and is by reference incorporated herein and made a part hereof, is
18 hereby in all things ratified, confirmed and approved.

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20 SECTION 2. This Ordinance shall be in full force and effect from and
21 after its passage and approval by the Mayor.

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25 Councilman

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34 APPROVED AS TO FORM
35 AND LEGALITY.


CITY ATTORNEY

Read the first time in full and on motion by Moses, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 8-13-74

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Moses, seconded by Hinga, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DATE: 8-27-74

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. J-142-74 on the 27th day of August, 1974.

ATTEST: (SEAL)
Charles W. Westerman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of August, 1974, at the hour of 11 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 28th day of August, 1974, at the hour of 4:00 o'clock P. M., E.S.T.

Samuel J. Talarico
MAYOR

Bill No.

S 74-08-14

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
approving a contract with T & F CONSTRUCTION CORP. for installation of street lighting
in Casselwood Terrace Addition.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

Winfield C. Moses, Jr - Chairman

John Nuckols - Vice-Chairman

James S. Stier

William T. Hinga

Vivian G. Schmidt

Winfield C. Moses Jr.

John Nuckols

James S. Stier

William T. Hinga

Vivian G. Schmidt

CONCURRED IN

DATE 8-27-74 CHARLES W. WESTERMAN, CITY CLERK

66-69-1
424/4

CONTRACT

STATE OF INDIANA)
COUNTY OF ALLEN) ss

THIS AGREEMENT AND INDENTURE made and entered into this,
the 11th day of July 1974, by and between:

The City of Fort Wayne
The party of the first part, termed in this agreement and the
Contract Documents as the "Purchaser," and

T & F CONSTRUCTION COMPANY
The party of the second part, termed in this agreement and
the Contract Documents as the "Contractor":

WITNESSETH:

THAT, WHEREAS, the Board of Public Works has heretofore
caused to be prepared certain contract documents for furnish-
ing labor and equipment and performing work therein fully de-
scribed, and the Contractor did, on the _____ day of _____
_____, file with the Board of Public Works, a copy of said
contract documents, together with his offer and terms therein
fully stated and set forth, and,

WHEREAS, the said contract documents accurately and fully
describe the terms and conditions upon which the Contractor is
willing to furnish the labor and equipment and perform the work
called for by the said contract documents and in the manner and
time of furnishing and performing same.

IT IS THEREFORE, AGREED:

FIRST - That a copy of said contract documents filed as
aforesaid be attached hereto and that the same do in all par-
ticulars become the agreement and contract between the parties
hereto in all matters and things set forth therein and described,
and further, that both parties hereby accept and agree to the
terms and conditions of said contract documents so filed, for the
following:

INSTALLATION OF NEW STREET LIGHTING IN CASSELWOOD TERRACE ADDITION (\$11,783.00)

RESOLUTION 107-1974

SECOND - The Contract Documents hereto annexed are made
a part of this agreement and contract as fully and as absolutely
as if herein set out in haec verba.

By: P. E. M. P. P. V. P.

Fidelity and Deposit Company

HOME OFFICE

OF MARYLAND

BALTIMORE

CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS:

That T & F Construction Corp. of Indiana

(hereinafter called Principal), as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, with its Home Office in the City of Baltimore, Maryland, and duly authorized and licensed to do business in the State of Indiana (hereinafter called Surety), as Surety, are held and firmly bound unto City of Fort Wayne, Indiana

(hereinafter called Owner), in the full and just sum of Eleven thousand seven hundred eighty three and -- 00/100 Dollars (\$11,783.00), to the payment of which sum, well and truly to be made, the Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 16th day of July 19 74

WHEREAS, the Principal has entered into a certain written agreement, dated the 16th day of July 19 74, with the Owner for street lighting - Casselwood Terrace Addition Ornamental Lighting with Underground wiring

which agreement is or may be attached hereto for reference.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That, if the Principal shall well and truly perform and carry out the covenants, terms and conditions of said agreement, then this obligation to be void; otherwise to remain in full force and effect.

WITNESS:

T & F Construction Corp. of Indiana (SEAL)By: J. L. Taber Pres. (SEAL)
J. L. Taber

(IF INDIVIDUAL OR FIRM)

ATTEST:

V. L. Miller Secy. - Treas.
V. L. Miller (IF CORPORATION)

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: James A. Wilson
(attorney-in-fact)

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. A. BRUNDRETT, Vice-President, and F. R. NAGLE, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or any one of the Executive Vice-Presidents, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Resident Assistant Secretaries, and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint Leonard L. Heath, Peggy J. Gunn and Joyce A. Wilson, all of Hagerstown, Indiana, EACH.....

its true and lawful agent and Attorney -in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed:

I. Bonds and undertakings for faithful performance of duty to be filed in any Court of any State of the United States, or in any United States Court, each in a penalty not to exceed the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) as follows: For administrators and executors; committees for incompetent persons; conservators; commissioners; guardians; referees and trustees for the sale of property; receivers and trustees in bankruptcy proceedings; receivers in equity; trustees under will; persons and corporations exercising powers of sale in deeds, mortgages, and other written instruments covering property located in any state of the United States, EXCEPT ASSIGNMENTS FOR BENEFIT OF CREDITORS.

II. Bonds and undertakings to be filed in any Court as aforesaid, each in a penalty not to exceed the sum of SEVENTY-FIVE HUNDRED DOLLARS (\$7,500) as follows: For the payment of costs; for petitioning creditors; for plaintiffs in attachment, garnishment, sequestration and replevin suits; for removal of suits from State to Federal Courts.

III. Bonds each in a penalty not to exceed the sum of TEN THOUSAND DOLLARS (\$10,000) required of State, County, Township or Municipal Officials, of any State of the United States, whether elected or appointed, except those for Treasurers, Deputy Treasurers, Tax Collectors, Deputy Tax Collectors, Sheriffs, Deputy Sheriffs, Police, Constables and Justices of Peace.

IV. Bonds for Notaries Public required by the Laws of any State of the United States, each in a penalty not to exceed the sum of FIVE THOUSAND DOLLARS (\$5,000).

V. License bonds, each in a penalty not to exceed the sum of TEN THOUSAND DOLLARS (\$10,000) required by the Statute of any State of the United States or by Ordinance of any Municipality in any State.

VI. Bid, Proposal and Final Bonds and undertakings guaranteeing contracts for the construction or erection of public or private buildings, improvements, and other works, and guaranteeing public and private contracts for supplies; provided, however, that the aforementioned authority does not embrace any bond or undertaking guaranteeing a contract in excess of the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000).....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Maryland, in their own proper persons. This power of attorney revokes that issued on behalf of Leonard L. Heath, et al, dated February 3, 1971.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 18th day of March, A.D. 1974.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(SIGNED) F. R. NAGLE
(SEAL) Assistant Secretary

By C. A. BRUNDRETT
Vice-President

STATE OF MARYLAND
CITY OF BALTIMORE } ss:

On this 18th day of March, A.D. 1974, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written

(SIGNED)
(SEAL)

DORIS M. BUTTERHOFF

Notary Public Commission Expires July 1, 1974

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate is signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 16th day of July, 1974.

DIGEST SHEETS-74-08-14TITLE OF ORDINANCE: Contract with T & F Construction - Street Lighting-Casselwood TerraceDEPARTMENT REQUESTING ORDINANCE: Board of Public WorksSYNOPSIS OF ORDINANCE: Contract with T & F Construction Company covering labor
for installation of street lighting in Casselwood Terrace Addition in amount of
\$11,783.00.Materials will be supplied by the City.Property owners will contribute \$.013 per square foot of lot area or
approximately \$15,360.00.Total cost of project including engineering and advertising will be
\$25,144.30.EFFECT OF PASSAGE: Street lighting in Casselwood Terrace, as petitioned by
property owners.EFFECT OF NON-PASSAGE: No lighting.

MONEY INVOLVED (Direct Costs, Expenditures, Savings): _____

City's share of contract approximately \$9,784.30.

ASSIGNED TO COMMITTEE (J.N.):

Board of Works